

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DIANE THOMAS,)	CASE NO. 1:16-cv-1040
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	MEMORANDUM OPINION
)	
COMMISSIONER OF SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
DEFENDANT.)	

Before the Court is the report and recommendation of Magistrate Judge James Knepp, recommending plaintiff's motion to amend the complaint (Doc. No. 11) be denied, and the Commissioner's motion to dismiss the complaint for lack of subject matter jurisdiction (Doc. No. 9) be granted without prejudice. (Doc. No.12 (Report and Recommendation ["R&R"]) at 99.¹) Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The R&R was filed on October 19, 2016, and a copy mailed to plaintiff the same day. Neither party filed an objection to the R&R. The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by the district

court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Knepp's report and recommendation, and accepts and adopts the same. Accordingly, plaintiff's motion to amend the complaint (Doc. No. 11) is denied, and the Commissioner's motion to dismiss the complaint for lack of subject matter jurisdiction (Doc. No. 9) is granted, and this case is dismissed without prejudice.

IT IS SO ORDERED.

Dated: November 30, 2016



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE

¹ All references to page numbers are to the page identification numbers generated by the Court's electronic filing system.